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**BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 2008-218

**SHARI RENEE BIRNBAUM**

**aka SHARI RENEE NICKERSON**

31325 San Eljay

Cathedral City, California 92234

Registered Nurse License No. 419457

Respondent.

**A C C U S A T I O N**

Ruth Ann Terry, M.P.H., R.N. (Complainant), alleges:

**PARTIES**

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about September 30, 1987, the Board Of Registered Nursing (Board) issued Registered Nurse License Number 419457 to Shari Renee Birnbaum, also known as Shari Renee Nickerson (Respondent). The license will expire on March 31, 2009, unless renewed.<sup>1/</sup>

1. Respondent also holds Nursing license Number 26800 in the state of Maine.

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1                   **DRUGS**

2                   8.       “Morphine Sulfate” is a Schedule II controlled substance as designated by  
3 Health and Safety Code section 11055(b), and is a dangerous drug pursuant to Business and  
4 Professions Code section 4022.

5                   9.       “Demerol,” a brand of meperidine hydrochloride, a derivative of pethidine,  
6 is a Schedule II controlled substance as designated by Health and Safety Code section 11055(c),  
7 and is a dangerous drug pursuant to Business and Professions Code section 4022.

8                   10.      “Marijuana” is a Schedule I controlled substance as designated by Health  
9 and Safety Code section 11054(d), and is a dangerous drug pursuant to Business and Professions  
10 Code section 4022.

11                                   **FIRST CAUSE FOR DISCIPLINE**

12                   **(Falsified, Made Incorrect or Inconsistent Entries In Hospital or Patient Records)**

13                   11.      Respondent is subject to discipline under Code section 2761(a), on the  
14 grounds of unprofessional conduct as defined in Code section 2762(e), in that while employed as  
15 a registered nurse at Eisenhower Memorial Hospital, Rancho Mirage, California, Respondent  
16 falsified, made grossly incorrect, grossly inconsistent or unintelligible entries in hospital or  
17 patient records in the following respects, based on a random review of patient charts.

18                                   **FEBRUARY 20, 2004, through FEBRUARY 29, 2004**

19                   **Patient A:**

20                   a.       On or about February 28, 2004, at 1441 hours, Respondent signed out a  
21 10 mg. Morphine injectable for administration, and charted the administration of 2 mg. of the  
22 Morphine at 1345 hours, which is 56 minutes prior to signing out the medication. In addition,  
23 Respondent failed to account for the disposition of the remaining 8 mg. of medication in any  
24 hospital or patient record.

25                   **Patient C:**

26                   b.       On or about February 28, 2004, at 1610 hours, Respondent signed out a  
27 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
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1 medication in any hospital or patient record. Furthermore, the patient was discharged at 1545  
2 hours, which is 25 minutes prior to signing out the medication.

3 **Patient D:**

4 c. On or about February 28, 2004, at 1610 hours, Respondent signed out a  
5 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
6 medication in any hospital or patient record. Furthermore, the patient was discharged at 1320  
7 hours, which is 2 hours and 50 minutes prior to signing out the medication.

8 **Patient E:**

9 d. On or about February 28, 2004, at 1752 hours, Respondent signed out a  
10 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
11 medication in any hospital or patient record. Furthermore, the patient was discharged at 1610  
12 hours, which is 1 hour and 42 minutes prior to signing out the medication.

13 **Patient F:**

14 e. On or about February 28, 2004, at 1752 hours, Respondent signed out a  
15 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
16 medication in any hospital or patient record. Furthermore, the patient was discharged at 1730  
17 hours, which is 22 minutes prior to signing out the medication.

18 f. On or about February 29, 2004, at 1159 hours, Respondent signed out a  
19 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
20 medication in any hospital or patient record. Furthermore, the patient was discharged on  
21 February 28, 2004.

22 **Patient G:**

23 g. On or about February 29, 2004, at 1158 hours, Respondent signed out a  
24 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
25 medication in any hospital or patient record. Furthermore, the patient was discharged on  
26 February 28, 2004.

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1           h.       On or about February 29, 2004, at 1345 hours, Respondent signed out a  
2 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
3 medication in any hospital or patient record. Furthermore, the patient was discharged on  
4 February 28, 2004.

5                   **Patient H:**

6           i.       On or about February 29, 2004, at 1158 hours, Respondent signed out a  
7 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
8 medication in any hospital or patient record.

9                   **Patient I:**

10          j.       On or about February 29, 2004, at 1344 hours, Respondent signed out a  
11 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
12 medication in any hospital or patient record.

13                  **Patient J:**

14          k.       On or about February 29, 2004, at 1344 hours, Respondent signed out a  
15 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
16 medication in any hospital or patient record.

17                  **Patient K:**

18          l.       On or about February 20, 2004, at 1733 hours, Respondent signed out a  
19 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
20 medication in any hospital or patient record. Furthermore, the patient was discharged on  
21 February 20, 2004, at 1640 hours, which is 53 minutes prior to signing out the medication.

22          m.       On or about February 20, 2004, at 1744 hours, Respondent signed out a 10  
23 mg. Morphine injectable for administration, but failed to account for the disposition of the  
24 medication in any hospital or patient record. Furthermore, the patient was discharged on  
25 February 20, 2004, at 1640 hours, which is 1 hour and 4 minutes prior to signing out the  
26 medication.

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**Patient L:**

n. On or about February 20, 2004, at 1733 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the patient was discharged on February 20, 2004, at 1600 hours, which is 1 hour and 33 minutes prior to signing out the medication.

o. On or about February 20, 2004, at 1753 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the patient was discharged on February 20, 2004, at 1600 hours, which is 1 hour and 53 minutes prior to signing out the medication.

**Patient M:**

p. On or about February 24, 2004, at 1601 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the patient was discharged on February 24, 2004, at 1100 hours, which is 5 hours and 1 minute prior to signing out the medication.

q. On or about February 24, 2004, at 1655 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the patient was discharged on February 24, 2004, at 1100 hours, which is 5 hours and 55 minutes prior to signing out the medication.

r. On or about February 24, 2004, at 1831 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record. Furthermore, the patient was discharged on February 24, 2004, at 1100 hours, which is 7 hours and 31 minutes prior to signing out the medication.

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**JANUARY 1, 2004, through FEBRUARY 3, 2004**

**Patient AA:**

s. On or about January 19, 2004, at 1940 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient BB:**

t. On or about January 19, 2004, at 1858 hours, Respondent signed out one 50 ml. Morphine PCA (patient controlled analgesic) for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient CC:**

u. On or about January 19, 2004, at 1940 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient DD:**

v. On or about February 3, 2004, at 1637 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient EE:**

w. On or about February 3, 2004, at 1726 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient FF:**

x. On or about February 3, 2004, at 1552 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

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1                   **Patient GG:**

2                   y.       On or about February 3, 2004, at 1718 hours, Respondent signed out two  
3 (2) 10 mg. Morphine injectables for administration, but failed to account for the disposition of  
4 the medication in any hospital or patient record.

5                   **Patient II:**

6                   z.       On or about January 2, 2004, at 1528 hours, Respondent signed out a  
7 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
8 medication in any hospital or patient record.

9                   **Patient JJ:**

10                  aa.       On or about January 2, 2004, at 1700 hours, Respondent signed out a  
11 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
12 medication in any hospital or patient record.

13                  **Patient KK:**

14                  bb.       On or about January 2, 2004, at 1711 hours, Respondent signed out a  
15 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
16 medication in any hospital or patient record.

17                  **Patient LL:**

18                  cc.       On or about January 2, 2004, at 1712 hours, Respondent signed out a  
19 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
20 medication in any hospital or patient record.

21                  **Patient MM:**

22                  dd.       On or about January 2, 2004, at 1658 hours, Respondent signed out a  
23 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
24 medication in any hospital or patient record.

25                  **Patient NN:**

26                  ee.       On or about January 2, 2004, at 1658 hours, Respondent signed out a  
27 10 mg. Morphine injectable for administration, but failed to account for the disposition of the  
28 medication in any hospital or patient record.



**MAY 7, 2001 through AUGUST 20, 2001**

**Patient AAA:**

ff. On or about August 20, 2001, at 1259 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

gg. On or about August 20, 2001, at 1355 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

hh. On or about August 20, 2001, at 1432 hours, Respondent signed out a 50 mg. Demerol injectable for administration, and documented that she wasted 25 mg. at 1701 hours, which is 2 hours and 39 minutes after withdrawing the medication. Furthermore, Respondent failed to account for the disposition of the remaining 25 mg. of medication in any hospital or patient record.

ii. On or about August 20, 2001, at 1701 hours, Respondent signed out a 10 mg. Morphine injectable for administration, and documented that she wasted 4 mg. at 1701 hours, but failed to account for the disposition of the remaining 6 mg. of medication in any hospital or patient record.

**Patient BBB:**

jj. On or about August 20, 2001, at 1355 hours, Respondent signed out a 25 mg. Demerol injectable for administration, and documented that she wasted 12.5 mg. at 1624 hours, which is 2 hours and 29 minutes after withdrawing the medication. Furthermore, Respondent failed to account for the disposition of the remaining 12.5 mg. of medication in any hospital or patient record.

kk. On or about August 20, 2001, at 1431 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

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**Patient CCC:**

ll. On or about June 4, 2001, at 1217 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient DDD:**

mm. On or about June 4, 2001, at 0954 hours, Respondent signed out a 100 mg. Demerol injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

nn. On or about June 4, 2001, at 1304 hours, Respondent signed out a 50 mg. Demerol injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

**Patient EEE:**

oo. On or about May 7, 2001, at 1220 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

pp. On or about May 7, 2001, at 1318 hours, Respondent signed out a 10 mg. Morphine injectable for administration, and documented that she wasted 6 mg. at 1347 hours, which is 29 minutes after withdrawing the medication. Furthermore, Respondent failed to account for the disposition of the remaining 4 mg. of medication in any hospital or patient record.

**Patient FFF:**

qq. On or about May 8, 2001, at 0941 hours, Respondent signed out a 10 mg. Morphine injectable for administration, but failed to account for the disposition of the medication in any hospital or patient record.

rr. On or about May 8, 2001, at 0951 hours, Respondent signed out a 25 mg. Demerol injectable for administration, and documented that she wasted 15 mg. at 1113 hours, which is 1 hour and 22 minutes after withdrawing the medication. Furthermore, Respondent failed to account for the disposition of the remaining 10 mg. of medication in any hospital or patient record.



1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Possessed and Self-Administered a Controlled Substance)**

3 12. Respondent is subject to discipline under Code section 2761(a) on the  
4 grounds of unprofessional conduct as defined in Code section 2762(a), in that on or about  
5 March 15, 2004, while a licensed registered nurse, Respondent did the following:

6 a. Possessed Marijuana, a controlled substance, in violation of Code section  
7 4060, in that Respondent did not have a prescription for that controlled substance.

8 b. Self-administered Marijuana, a controlled substance, without direction to do so  
9 from a licensed physician and surgeon, dentist or podiatrist.

10 **PRAYER**

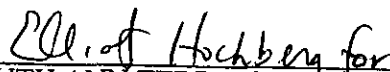
11 **WHEREFORE**, Complainant requests that a hearing be held on the matters  
12 herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

13 1. Revoking or suspending Registered Nurse License Number 419457, issued  
14 to Shari Renee Birnbaum, also known as Shari Renee Nickerson;

15 2. Ordering Shari Renee Birnbaum, also known as Shari Renee Nickerson,  
16 to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement  
17 of this case, pursuant to Business and Professions Code section 125.3; and,

18 3. Taking such other and further action as deemed necessary and proper.

19 DATED: 1/23/08

20   
21 RUTH ANN TERRY, M.P.H., R.N.  
22 Executive Officer  
23 Board of Registered Nursing  
24 Department of Consumer Affairs  
25 State of California  
26 Complainant

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